

ORDER AMENDING LOCAL RULES OF PRACTICE
FOR THE COURTS OF THE 52ND JUDICIAL CIRCUIT

FLOYD COUNTY, INDIANA

The Courts find that pursuant to Trial Rule 81(D) good cause exists to deviate from the schedule established by the Division of State Court Administration for the adoption of local rules.

Pursuant to the requirements of Administrative Rule 15 of the Indiana Supreme Court, IT IS HEREBY ORDERED that the Local Rules of Practice for the Courts of the 52nd Judicial Circuit, Floyd County, Indiana are hereby amended by the revision of the following LR22-AR-15-113 regarding Praecipes/Transcripts. This Local Rule of Practice shall be effective immediately upon approval of the Indiana Supreme Court.

The Clerk of the Circuit Court is ordered to post this Order in their office and on their website for a period of thirty (30) days.

SO ORDERED this 30th day of June, 2008.

_____/S/_____
J. Terrence Cody
Judge, Floyd Circuit Court

_____/S/_____
Susan L. Orth
Judge, Floyd Superior Court

_____/S/_____
Glenn G. Hancock
Judge, Floyd County Court

_____/S/_____
Daniel B. Burke, Jr.
Floyd County Magistrate

**FLOYD COUNTY CIRCUIT, SUPERIOR, COUNTY
AND MAGISTRATE COURTS**

**PROPOSED AMENDMENT OF LR22-AR15-113
Effective September 1, 2008**

PRAECIPES/TRANSCRIPTS

A. CONTENT. All notice of appeal and requests for transcripts shall be in writing and filed with the Clerk of the Court. Such notices and requests for transcripts relating to trials by jury shall not include voir dire, opening statements, and closing statements unless specifically requested.

B. COSTS. The party requesting a transcript shall obtain an estimate of the cost of the transcript from the Court Reporter and shall pay a deposit equal to one-half of the estimated cost of the transcript before the transcription process is undertaken by the Court Reporter. The remaining estimated cost of the transcript shall be paid upon notification by the Court Reporter to the requesting party that one-half of the transcript has been completed. The actual total cost of the transcripts shall be paid in full before the transcript is released to the requesting party.

C. COURT REPORTER RULE (Pursuant to Adm. Rule 15) Definitions. The following definitions shall apply under this local rule:

- (1) *Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) *Equipment* means all physical items owned by the court or other governmental entity and used by a Court Reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.
- (3) *Work space* means that portion of the court=s facilities dedicated to each Court Reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- (7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but not in excess of forty (40) hours per work week.
- (8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- (9) *Work week* means a seven (7) consecutive day week that consistently begins and

ends on the same days throughout the year; *i.e.* Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) *Court* means the particular court for which the Court Reporter performs services. Court may also mean all of the courts in Floyd County.

(11) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

SECTION 2

A. Salaries. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the Court Reporter is to be compensated for gap and overtime hours; *i.e.* monetary compensation or compensatory time off regular work hours.

B. Per Page Fees. The Court Reporter shall be compensated at the rate of ~~Four Dollars and Fifty Cents (\$4.50)~~ Five Dollars (\$5.00) per page for any county indigent, state indigent or private transcripts prepared. The Court Reporter shall submit directly to the county a claim for the preparation of the county indigent transcript as other county claims are submitted.

If the Court Reporter is requested to prepare an expedited transcript, the per page fee shall be ~~Eight Dollars (\$8.00)~~ Eight Dollars and Fifty Cents (\$8.50) per page where the transcript must be prepared within twenty-four (24) hours or less and ~~Six Dollars and Fifty Cents (\$6.50)~~ Seven Dollars (\$7.00) per page where the transcript of fifty (50) pages or more and is to be prepared in an expedited fashion, the maximum per page fee shall be ~~Six Dollars and Fifty Cents (\$6.50)~~ Seven Dollars (\$7.00) per page and shall be prepared within a time frame to be agreed upon between the Court Reporter and the Attorney. Index and Table of Contents will be charged at the same rate as the other pages.

Copies shall be made at the rate of ~~Two Dollars and Twenty-Five Cents (\$2.25)~~ Two Dollars and Fifty Cents (\$2.50) per page.

C. Minimum Fee. A minimum fee of ~~Forty-five Dollars (\$45.00)~~ Fifty Dollars (\$50.00) will be charged for transcripts less than ten (10) pages in length.

D. Binding and Disk Fees. An additional fee shall be added to the cost of the transcript for:

- (1) The time spent binding the transcript and the exhibit and index

volumes at an hourly rate based on the Court Reporter's hourly rate.

- (2) The costs of office supplies and utilized for finding and transmission of the transcript pursuant to the Indiana Rules of Appellate Procedure 28 and 29. Said costs shall be pursuant to a Schedule of Transcript Supplies established and published annually by the Courts.

E. Annual Report Requirement. Each Court Reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

F. Private Practice. If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing a deposition transcript, all such private practice work shall be conducted outside regular working hours.

If a Court Reporter engages in such private practice and the Court Reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the Court Reporter shall enter into a written agreement which must, at a minimum, designate the following:

- (1) The reasonable market rate for the use of equipment, work space and supplies.
- (2) The method by which records are to be kept for the use of equipment, work space and supplies.
- (3) The method by which the Court Report is to reimburse the court for the use of the equipment, work space and supplies.

G. Disk as Official Record. Upon the filing of a notice of appeal or written request for transcript or the Court Reporter shall transcribe any court proceeding requested and produce an original paper transcript along with an electronically formatted transcript. Multiple disks containing the electronically formatted transcript shall be prepared and designated as "Original Transcript," "Court Reporter's Copy" and "Court's Copy." Each disk shall be labeled to identify the case number, the names of the parties, the date completed, the Court Reporter's name, and the disk number if more than one disk is required for a complete transcript. The court's copy of the electronic transcript shall become the official record of the court proceeding, in lieu of a paper copy of the transcript, and shall be retained in the court where said proceeding was held. The Court Reporter's copy shall be retained by the Court Reporter. The original paper transcript along with the disk designated as the original transcript shall be forwarded to the Clerk if the transcript was prepared for purposes of appeal. If the transcript was not prepared for purposes of appeal, the original paper transcript shall be delivered to the requested party.

Any comments to the above proposed amendments should be directed to:

J. Terrence Cody
Judge of the Floyd Circuit Court
311 Hauss Square, Room 417
New Albany, IN 47150

Comments must be received by August 25, 2008.